

Remarks

Applicants appreciate the examination of the present application as evidenced by the final Office Action dated July 14, 2009 (hereinafter, the "Final Action"). In the Final Action, Claims 1, 4-6 and 11-15 stand finally rejected, and Applicants respectfully submit that these claims are patentable for at least the reasons set forth below to address the issues as presented in the Final Action. In the event, however, that the Examiner does not find any allowable subject matter subsequent to the review of the present Amendment, Applicants respectfully request a telephone interview with the Examiner to discuss the pending claims.

Claim Rejections Under 35 U.S.C. §112

Claims 1, 4-6 and 11-15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. *See* Final Action, page 2. More specifically, the Final Action asserts that it is "unclear as to which element comprises the oxygen-deficient metal oxide dielectric film and the metal oxide dielectric film...." Final Action, page 2.

Applicants have amended claim 1, as presented above, to clarify the recitations. Accordingly, Applicants respectfully submit that this rejection has been addressed, and Applicants respectfully request that this rejection be withdrawn. In the event that there are unresolved issues in view of the claim amendments, consistent with the provisions of the Manual of Patent Examining Procedure (MPEP) § 2173.02, Applicants respectfully request the Examiner to suggest claim language to Applicants to improve the clarity or precision of the language used to amend the claims.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 4-6 and 11-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0040196 to Lim et al. (hereinafter, "Lim et al.") in view of U.S. Patent Application Publication No. 2001/0040905 to Stamm et al. (hereinafter, "Stamm et al."). *See* Final Action, page 3. Applicants respectfully disagree.

As noted in the Final Action, "Lim et al. do not teach forming an oxygen-deficient metal oxide film comprising La_2O_x wherein $0 < x < 3$." Final Action, page 3. Stamm et al. is relied upon for the deficient teachings where it is noted that "Stamm et al. teach that layer 104

comprises an oxygen-deficient metal oxide film comprising La_2O_x wherein $0 < x < 3$." Final Action, page 3. Applicants reiterate that the $\text{La}_2\text{O}_2\text{S:Eu}$ frequency converting coating is different and distinct from " LaO_x wherein $0 < x < 3$ " as recited in claim 1 of the present application. In order to highlight this distinction, Applicants have amended claim 1 to recite that the oxygen-deficient metal oxide dielectric film **consists** of La_2O_x , wherein $0 < x < 3$. Thus, the compound employed in Stamm et al. is not included in the lanthanum oxide compounds employed in the recited methods. Moreover, Applicants respectfully submit that there is no motivation to combine the references. However, even if combined, the combination of Lim et al. and Stamm et al. fails to teach or suggest the recitations of the pending claims where neither reference provides that the oxygen-deficient metal oxide dielectric film **consists** of La_2O_x wherein $0 < x < 3$. To arrive at the specific lanthanum oxides of the present invention requires far more than routine experimentation, and instead, requires impermissible use of the Applicants' specification as a guide to arrive at the present invention.

Accordingly, Applicants respectfully submit that claims 1, 4-6, and 11-15 are not obvious in view of Lim et al. and Stamm et al., and Applicants respectfully request that this rejection be withdrawn.

Withdrawn Claims

In the event that the Examiner deems there to be allowable subject matter, Applicants respectfully request rejoinder of claims 7-10 and 16-69. At a minimum, Applicants respectfully request rejoinder of claims 7-15 and 61-63 to facilitate efficient and compact prosecution.

In re: Park et al.
Serial No.: 10/828,596
Filed: April 21, 2004
Page 14 of 14

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,




Shawna Cannon Lemon
Registration No. 53,888

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 31, 2009.


Betty Lou Rosser
Date of Signature: August 31, 2009